

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

JOHN BRUENS, MARY STEWART,
MELISSA VAUGHN, and
MARC SIROCKMAN

Defendants.

NO. 05-CR-10102 JLT

**REQUEST OF DEFENDANT SIROCKMAN
WITH RESPECT TO THE TESTIMONY
OF JEFFREY AROMANDO**

On Thursday, the Court indicated that any arrangements requested by defendant Sirockman with respect to the continuation of the cross-examination of Jeffrey Aromando were to be made by the Government. The Court also indicated that counsel could prepare an instruction for the jury with respect to the continuation of the testimony.

Defendant Sirockman has notified the Government that counsel wants to resume the cross-examination of Jeffrey Aromando at the end of the Government's case in chief. The Government has objected to this request, indicating that *they intend* to recall Jeffrey Aromando to the stand as the first witness on Monday. Defendant Sirockman therefore requests the Court to order that Mr. Aromando's resumed cross-examination be at the end of the case and that the jury be given the attached instruction at the time of the testimony.

MARC SIROCKMAN,

By his attorneys,

/s/ McKenzie E Webster
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Dated: April 30, 2007

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing motion was filed electronically in compliance with ECF procedures on this 30th day of April 2007.

/s/ McKenzie E. Webster

PROPOSED INSTRUCTION

Ladies and Gentlemen of the jury, I have made a finding that the Government failed to provide exculpatory information which it had in its possession to the defendants in the time period required by law. Because the Government failed to turn over to the defense reports of statements that the Government witness, Jeffrey Aromando, made to investigators which were inconsistent with the testimony he gave on direct examination, I have ordered the Government to recall Mr. Aromando to the witness stand for further cross-examination by Ms. Miner. I have done this to give Ms. Miner the opportunity to fully cross-examine Mr. Aromando that she lost by not having these statements available to her at the time he was originally cross-examined. The need to recall Mr. Aromando was due to the Government's failure to abide by its responsibilities, not any lack of diligence by defense counsel.